

**EIGHTH DAY.**

Senate Chamber,  
Austin, Texas.  
October 31, 1935.

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Walter F. Woodul.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Nelson.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Davis.	Rawlings.
DeBerry.	Redditt.
Hill.	Sanderford.
Holbrook.	Shivers.
Hopkins.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Moore.	Woodruff.

**Absent—Excused.**

Cotten.	Regan.
Fellbaum.	Small.
Neal.	

Prayer by the Chaplain.

Further reading of the Journal was dispensed with on motion of Senator Hill.

**Committee Reports.**

(See Appendix.)

**Senators Excused.**

Senator Neal was excused on account of important business for the remainder of the week on motion of Senator Hornsby.

Senators Regan and Small were excused on account of important business on motion of Senator Oneal.

**Bills and Resolutions.****Senate Bill No. 19.**

By Senator Nelson:

S. B. No. 19, A bill to be entitled "An Act ratifying, confirming and validating all acts of county boards of trustees in laying out or attempting to establish, combine, abolish or change any independent or common school district under the provisions of Chapter 339, Acts Regular Session, Forty-fourth Legislature, 1935, or under Chapter 151, Acts Regular

Session, Forty-fourth Legislature, 1935, and declaring an emergency."

Read and referred to the Committee on Education.

**Senate Resolution No. 11.**

Whereas, The citizenship of Texas is unusually interested in the procedure of the Texas Senate; and,

Whereas, The Senate is, and will continue to devote its best efforts to provide adequate and wholesome legislation for the common good; and,

Whereas, there are many outstanding and profound discussions of these questions in which the people are interested; therefore, be it

Resolved, That the Board of Control of the State of Texas is hereby instructed to ascertain the cost of a radio broadcasting system in the Senate with extensions to the desks of the President of the Senate, Secretary of the Senate, each Senator's desk, and one extension in each committee room, in order that the people of Texas may be privileged to listen and enjoy the proceedings of the Senate. The Board of Control is requested to report its findings to the Regular Session of the Forty-fifth Legislature, and the sum of \$100.00 is hereby appropriated out of the contingent expense fund of the Second Called Session of the Forty-fourth Legislature for engineering and draftsmen services and expenses in preparing the preliminary estimate.

BECK,  
SANDERFORD,  
WOODRUFF.

Read.

Senator Beck moved to suspend the rule requiring resolutions to be referred to a committee.

The motion prevailed.

Senator Rawlings sent up the following amendments:

Amend S. R. No. 11 by adding after the word "Senate" in the 7th line from the bottom the words "and the House of Representatives," and change the resolution to conform.

RAWLINGS.

Read and adopted.

Amend S. R. No. 11 by adding after the word "Resolved" the following words: "By the Senate, the

House of Representatives concurring."

**RAWLINGS.**

Read and adopted.

**S. C. R. No. 6.**

By the adoption of Amendment No. 2 by Senator Rawlings, S. R. No. 11 became Senate Concurrent Resolution No. 6.

Amend resolution by adding the following, to-wit: "Provided, the Board of Control shall make a survey as to the cost of establishment of a coffee shop and/or cafe in the Capitol Building."

**BURNS.**

Read and adopted.

Amend pending resolution by adding at the proper place the following: "and radio broadcasting equipment shall likewise be installed in the office of the Governor."

**HOPKINS.**

Read and pending.

**Previous Question.**

Senator Woodruff moved that the Senate order the previous question, on further consideration of the pending amendment and the resolution.

The motion was seconded.

The previous question was not ordered as shown by the following vote:

**Yeas—9.**

Blackert.	Nelson.
Davis.	Pace.
DeBerry.	Van Zandt.
Holbrook.	Woodruff.
Isbell.	

**Nays—16.**

Beck.	Poage.
Collie.	Rawlings.
Hill.	Redditt.
Hopkins.	Sanderford.
Hornsby.	Shivers.
Martin.	Stone.
Moore.	Sulak.
Oneal.	Westerfeld.

**Absent—Excused.**

Burns.	Neal.
Cotten.	Regan.
Fellbaum.	Small.

**Advanced Printing.**

**Senate Bill No. 11.**

Senator Moore received unanimous consent to have advanced printing on S. B. No. 11.

**S. B. No. 13 and S. B. No. 14.**

Senator Oneal received unanimous consent to have advanced printing on S. B. No. 13 and S. B. No. 14.

**Senate Bill No. 16.**

Senator Stone received unanimous consent to have advanced printing on S. B. No. 16.

**Message From the House.**

The Chair recognized the Door-keeper, who introduced a messenger from the House with the following message:

Hall of the House of Representatives,  
Austin, Texas, Oct. 31, 1935.  
Hon. Walter F. Woodul, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has concurred in Senate amendments to H. B. No. 54, by a vote of 102 yeas and 17 nays.

Respectfully submitted,

**LOUISE SNOW PHINNEY,**  
Chief Clerk, House of Representatives.

**S. C. R. No. 6.**

Pending business was S. C. R. No. 6 with pending amendment by Senator Hopkins.

**Motion to Table.**

Senator Woodruff moved to table the pending amendment.

The motion to table failed by the following vote:

**Yeas—10.**

Beck.	Nelson.
Collie.	Pace.
Davis.	Redditt.
Hill.	Van Zandt.
Isbell.	Woodruff.

**Nays—12.**

Blackert.	Moore.
DeBerry.	Poage.
Holbrook.	Rawlings.
Hopkins.	Sanderford.
Hornsby.	Stone.
Martin.	Sulak.

**Present—Not Voting.**

Oneal.

**Absent.**

Burns.	Westerfeld.
Shivers.	

**Absent—Excused.**

Cotten.	Regan.
Fellbaum.	Small.
Neal.	

The amendment was adopted by the following vote:

**Yeas—17.**

Blackert.	Oneal.
DeBerry.	Poage.
Hill.	Rawlings.
Holbrook.	Sanderford.
Hopkins.	Small.
Hornsby.	Stone.
Isbell.	Sulak.
Martin.	Westerfeld.
Moore.	

**Nays—8.**

Beck.	Pace.
Collie.	Redditt.
Davis.	Van Zandt.
Nelson.	Woodruff.

**Absent—Excused.**

Burns.	Neal.
Cotten.	Regan.
Fellbaum.	Shivers.

S. C. R. No. 6 as amended was adopted by the following vote:

**Yeas—13.**

Beck.	Poage.
Hopkins.	Rawlings.
Hornsby.	Sanderford.
Isbell.	Stone.
Martin.	Sulak.
Moore.	Woodruff.
Pace.	

**Nays—12.**

Blackert.	Holbrook.
Burns.	Nelson.
Collie.	Oneal.
Davis.	Redditt.
DeBerry.	Van Zandt.
Hill.	Westerfeld.

**Absent—Excused.**

Cotten.	Regan.
Fellbaum.	Shivers.
Neal.	Small.

**Motion to Recess.**

Senator Woodruff, at 11:58 moved that the Senate recess until 2:00 o'clock p. m.

Motion pending.

Senator Woodruff yielded to Senator Sulak who called up

**House Bill No. 53.**

The Chair laid before the Senate:

H. B. No. 53, A bill to be entitled "An Act authorizing the separation or divorcement of public schools from municipal control in certain extended municipal school districts pursuant to an election to be held for that purpose; defining the term 'extended municipal school district' and the term 'Governing Body' of the city or town; prescribing the method of procedure precedent to calling such an election; providing that such election shall be held, as nearly as possible in compliance with law with reference to regular city elections, and prescribing qualifications of voters at such elections; etc., and declaring an emergency."

Amend H. B. No. 53 by striking out all of Section 6, and inserting in lieu thereof, the following:

Sec. 6. "The board of trustees of such independent school district after separation from municipal control, shall consist of seven members. The members of the board of trustees of such extended municipal school district shall continue as members of the board until the terms for which they have been elected or appointed, as the case may be, shall have expired, or until their successors have been elected and qualified; provided that in any district where the board of trustees was composed of fewer than seven members in such extended municipal school district, after divorcement from municipal control the number necessary to cause the board to consist of seven members shall be appointed by the members already serving as trustees, such appointees to serve in accordance with the general law governing the election and tenure of office of independent school district trustees. Provided further that an election shall be held on the first Saturday in April of each year, at which election either two trustees or three trustees, as the case may be, shall be elected to serve for a term of three years. In the case of a vacancy on said board caused by any reason, said vacancy shall be filled for the unexpired term by appointment on the part of the

remaining members of said board of trustees."

SULAK.

Read and adopted.

Amend H. B. No. 53, page 3, line 2, Section 2, by striking out the words "an and," and inserting in lieu thereof, the words "and/or."

SULAK.

Read and adopted.

Amend H. B. No. 53, page 3, line 22, Section 2, by striking out the word "if," and inserting in lieu thereof, the word "of."

SULAK.

Read and adopted.

Amend caption of H. B. No. 53 by striking out in line 11, the words: "the term 'Governing Body' of the city or town."

SULAK.

Read and adopted.

Amend H. B. No. 53 in order to make the caption in lines 30, 31, and 32, conform to the body of the bill as printed in lines 31, 32 and 33, Section 5, page 4.

SULAK.

Read and adopted.

The committee report recommending that the bill be not printed as it was mimeographed was adopted by unanimous consent.

The bill was read second time as amended and passed to third reading.

On motion of Senator Sulak, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 53 was put on its third reading and final passage by the following vote:

Yeas—26.

Beck.	Nelson.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Davis,	Rawlings.
DeBerry.	Redditt.
Hill.	Sanderford.
Holbrook.	Shivers.
Hopkins.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Moore.	Woodruff.

Absent—Excused.

Cotten.	Regan.
Fellbaum.	Small.
Neal.	

Read third time and finally passed by the following vote:

Yeas—26.

Beck.	Nelson.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Davis,	Rawlings.
DeBerry.	Redditt.
Hill.	Sanderford.
Holbrook.	Shivers.
Hopkins.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Moore.	Woodruff.

Absent—Excused.

Cotten.	Regan.
Fellbaum.	Small.
Neal.	

Bill and Resolution Signed.

The Chair, Lieutenant Governor Walter F. Woodul, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bill and resolution:

H. B. No. 54.  
H. C. R. No. 6.

Motion to Recess.

Senator Hopkins, at 12:05 p. m., moved that the Senate recess until 9:30 o'clock a. m. Friday.

The motion by Senator Hopkins prevailed by the following vote:

Yeas—13.

Beck.	Moore.
Burns.	Rawlings.
Collie.	Sanderford.
Davis,	Shivers.
Holbrook.	Stone.
Hopkins.	Van Zandt.
Martin.	

Nays—10.

Blackert.	Oneal.
DeBerry.	Poage.
Hornsby.	Redditt.
Isbell.	Westerfeld.
Nelson.	Woodruff.

Absent.

Hill.	Sulak.
Pace.	

## Absent—Excused.

Cotten.	Regan.
Fellbaum.	Small.
Neal.	

## APPENDIX.

## Committee Reports.

Committee Room.

Austin, Texas, Oct. 30, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Rules, to whom was referred

H. C. R. No. 1, A concurrent resolution "Proposing amendment to the joint rules."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

DeBERRY, Chairman.

## EIGHTH DAY—(Con'd.)

Senate Chamber,  
Austin, Texas,  
November 1, 1935.

The Senate met at 9:30 o'clock a. m. pursuant to recess and was called to order by Lieutenant Governor Walter F. Woodul.

## Senate Resolution No. 12.

Whereas, The morning papers make the statement that the Hon. Harry L. Hopkins, Director of the Federal Relief Administration, has announced that, beginning on the 15th day of this month, no further relief will be granted to citizens of this State; and

Whereas, In the same statement the Hon. Harry L. Hopkins is quoted as stating "the State of Kansas has never put up a thin dime for relief"; and

Whereas, The State of Texas has through the issuance of bonds secured by the credit of the State contributed to direct relief in this State to the extent of Twenty Million Dollars; and

Whereas, This State has harvested only a very meagre crop of cotton; and

Whereas, The promised public works financed through the Works

Progress Administration, are in this State still almost entirely in the visionary or paper stage; and

Whereas, Hundreds of thousands of our citizens are still without any opportunity to procure work and none is being provided for them by the Federal Government; and

Whereas, Although Texas is included among those States that are to be granted no further relief, the State of Kansas, which according to Mr. Hopkins' own statement has never put up a thin dime for relief, and many other States whose contributions have been very meagre, apparently continue to receive relief from the Federal Government; and

Whereas, To discriminate against the citizens of this State which has evidenced its willingness to help carry the burden of relief through vast expenditures of its own moneys, and at a time when our citizenship can find no employment either in private fields or in federally financed undertakings, is grossly unfair.

Now, Therefore, Be It Resolved, By the Senate of Texas, that we do emphatically protest the proposed action of the Federal Relief Administration in discriminating against the citizens of the State of Texas, and that we earnestly urge the Hon. Harry L. Hopkins, Federal Director of Relief, and the Hon. Franklin D. Roosevelt, President of the United States, to reconsider this order and to extend to the citizens of this State as favorable treatment as it extended to the citizens of any other State in the United States.

And Be It Further Resolved, That copy of this resolution be forwarded to the Hon. Harry L. Hopkins and President Franklin D. Roosevelt.

POAGE.

Read.

Senator Poage moved to suspend the rule requiring resolutions be referred to a committee.

The motion prevailed.

S. R. No. 12 was adopted by unanimous consent.

## Message From the House.

The Chair recognized the Doorkeeper, who introduced a messenger from the House with the following message:

Hall of the House of Representatives,  
Austin, Texas, Oct. 31, 1935.  
Hon. Walter F. Woodul, President  
of the Senate.

Sir: I am directed by the House  
to inform the Senate that the House  
has laid on the table by a vote of  
69 yeas and 54 nays:

H. B. No. 34, A bill to be entitled  
"An Act amending Article 7118, Re-  
vised Civil Statutes of 1925, so as  
to increase the rate of inheritance  
tax levied herein by 50 % on all  
brackets of taxable values of estates,  
as amended by Acts, 1935, Forty-  
fourth Legislature, Page 922, Chap-  
ter 356, Sec. 1, amending Article  
7119, Revised Civil Statutes of 1925,  
as amended by Acts of 1927, Fortieth  
Legislature, Chapter 62, page 87;  
amending Article 7120, Revised Civil  
Statutes of 1925; amending Article  
7121 Revised Civil Statutes of 1925,  
as amended by Acts, 1927, Fortieth  
Legislature, page 87, Chapter 62;  
etc., and declaring an emergency."

The House has laid on the table  
by a vote of 75 yeas and 49 nays:

H. B. No. 36, A bill to be entitled  
"An Act defining the term "Dance  
Hall"; providing that any person,  
firm or corporation desiring to oper-  
ate a Dance Hall shall apply for  
and secure a license from the State  
Comptroller of Public Accounts;  
levying an annual occupation tax of  
\$25.00 against each person, firm or  
corporation operating a Dance Hall;  
providing for the issuance of license  
by the Comptroller of Public Ac-  
counts; providing that any person,  
firm, corporation, partnership or as-  
sociation of persons operating a  
Dance Hall without having paid the  
occupation tax provided for herein  
shall be deemed guilty of mis-  
demeanor subject to conviction and  
fine in any sum not less than \$25.00  
nor more than \$500.00; etc., and  
declaring an emergency."

The House has passed the follow-  
ing bills:

H. B. No. 46, A bill to be entitled  
"An Act levying and imposing occu-  
pation taxes, in addition to those  
now prescribed by law on certain  
industries and public utilities; and  
natural resources, such as gas, sul-  
phur and oil; providing for certain  
exemptions and defining terms used  
in the Act; taxes on soft drinks,  
etc., and declaring an emergency."

H. B. No. 66, A bill to be entitled  
"An Act to provide for payment of  
the salaries of the ex-officio county  
superintendents from the County  
Available School Fund; repealing all  
laws and parts of laws in conflict  
herewith, and declaring an emer-  
gency."

H. B. No. 67, A bill to be entitled  
"An Act authorizing the condemna-  
tion of certain private land or lands  
for the restoration, preservation or  
making of historic spots in Texas by  
the Commission of Control for the  
Texas Centennial Celebrations; pre-  
scribing the procedure therefor;  
providing that such proceedings shall  
be brought in the name of the State  
of Texas by the Attorney General of  
Texas, and declaring an emer-  
gency."

H. B. No. 68, A bill to be entitled  
"An Act creating a special road law  
for Red River County, Texas, pro-  
viding that said county may fund  
or refund the indebtedness outstand-  
ing against its road and bridge fund  
as of October 23, 1935, by issuance  
of funding bonds, and setting forth  
the method of operation; etc., and  
declaring an emergency."

H. B. No. 69, A bill to be entitled  
"An Act validating and approving  
all Acts and proceedings of county  
commissioners' courts and the county  
judge in the matter of the creation  
and incorporation of wind erosion  
conservation districts in their said  
counties, which were authorized to  
be created under the provisions of  
Chapter 337, Acts Regular Session,  
Forty-fourth Legislature, and vali-  
dating and approving all elections  
held under the provisions of said  
law where the returns of said elec-  
tions show that a majority of the  
legally qualified property tax-paying  
voters of said counties voting at said  
elections favored the creation of  
such districts; and declaring an  
emergency."

H. B. No. 71, A bill to be entitled  
"An Act authorizing school trustees  
in all counties of the State, having  
a population of not less than Two  
Hundred Ninety Thousand (290,000)  
or more than Three Hundred Twenty  
Thousand (320,000) inhabitants ac-  
cording to the last preceding Federal  
Census to issue interest bearing war-  
rants in payment of salaries of em-  
ployees; specifying that the rate of

interest shall not exceed four per cent (4%) per annum; limiting the amount of warrants to be issued; etc., and declaring an emergency."

H. B. No. 72, A bill to be entitled "An Act authorizing the commissioners' court in any county having a population of not less than 24,200 and not more than 24,500, according to the last preceding Federal Census, to allow each county commissioner certain expenses for traveling in connection with official business; providing the funds and declaring an emergency."

The House has refused to concur in Senate Amendments to H. B. No. 57, and requests the appointment of a Conference Committee to adjust the differences between the two Houses. The following are appointed on the part of the House:

Messrs. Alexander, Lange, Hankamer, King and Fisher.

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

The House has concurred in Senate Amendments to H. B. No. 53, by a vote of 112 yeas and 2 nays.

The House has passed the following resolutions:

H. C. R. No. 3, Granting permission to Herman Voges of Bexar County permission to sue the State of Texas for damages to property.

H. C. R. No. 4, Granting the Continental Assurance Company of Chicago, Ill., Permission to sue the State of Texas and the Texas Prison System for property damages.

H. C. R. No. 10, Requesting the Governor of Texas to submit to this Second Called Session the subject of suspended sentences for adult criminals.

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

#### H. C. R. No. 1.

The Chair laid before the Senate on its second reading the following resolution:

H. C. R. No. 1, A concurrent resolution "Proposing amendment to the joint rules."

Read.

The committee report recommending that the resolution be not printed was adopted by unanimous consent.

H. C. R. No. 1 failed of adoption by the following vote:

Yeas—11.

Blackert.	Nelson.
Collie.	Pace.
Davis.	Poage.
DeBerry.	Westerfeld.
Hill.	Woodruff.
Hornsby.	

Nays—15.

Beck.	Redditt.
Burns.	Regan.
Cotten.	Sanderford.
Holbrook.	Shivers.
Hopkins.	Stone.
Martin.	Sulak.
Moore.	Van Zandt.
Rawlings.	

Present—Not Voting.

Isbell.

Absent—Excused.

Fellbaum.

Neal.

Pair Recorded.

Senator Oneal (present) who would vote yea, with Senator Small (absent) who would vote nay.

#### Senate Bill No. 10.

The Chair laid before the Senate on its second reading the following bill:

By Senator Burns:

S. B. No. 10, A bill to be entitled "An Act providing for the amount that may be allowed by county boards of trustees to the county superintendents of public instruction for expenditures for office and traveling expenses in counties with a population of not less than thirty thousand (30,000), and not more than thirty thousand and twenty-nine (30,029), and in counties with a population of not less than eighteen thousand four hundred twenty-five (18,425) and not more than eighteen thousand five hundred twenty-eight (18,528), according to the last preceding Federal Census, repealing all laws and parts of laws, general or special, in conflict herewith and declaring an emergency."

Senator Burns moved to suspend the rule requiring printed copies of bills to lie on desks 24 hours.

The motion prevailed unanimously.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to engrossment.

On motion of Senator Burns the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 10 was put on its third reading and final passage by the following vote:

Yeas—28.

Beck.	Nelson.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Regan.
Hill.	Sanderford.
Holbrook.	Shivers.
Hopkins.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Moore.	Woodruff.

Absent—Excused.

Fellbaum.	Small.
Neal.	

Read third time and finally passed by the following vote:

Yeas—28.

Beck.	Nelson.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Regan.
Hill.	Sanderford.
Holbrook.	Stone.
Hopkins.	Shivers.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Moore.	Woodruff.

Absent—Excused.

Fellbaum.	Small.
Neal.	

Senate Bill No. 15.

The Chair laid before the Senate on its second reading the following bill:

By Senators Poage and Hornsby:

S. B. No. 15, A bill to be entitled "An Act defining certain terms; providing for licensing of operators and chauffeurs; providing for certain exemptions; prohibiting issuance of licenses to certain persons; providing for instruction permits; making provision for non-resident drivers; providing what persons shall be licensed; providing for application for operators and chauffeurs license; providing for signing of application of minors; providing for examination of applicants; providing for designation of local officers; providing for registering of operators and chauffeurs; providing for the issuance of duplicate licenses and badges; providing for the signing and carrying of licenses; providing for time of expiration of licenses; providing for fees and disposition of same; providing for the transfer of all balances now in the State Treasury which were collected under Article 6687, Revised Civil Statutes, 1925, to the Operators and Chauffeurs License Fund; providing for forms for accident statistics and reports; providing for failure to make such reports a misdemeanor; providing for the suspension or revocation of licenses; making it unlawful for certain persons to act as chauffeurs or operators and to drive school buses; providing for courts to report record of convictions; providing for mandatory suspension or revocation of licenses and fixing the period of same; providing for hearing for persons denied the right to drive a motor vehicle; providing for surrender and return of license or badge—making it unlawful to commit certain acts with reference to securing and/or using licenses or to violate certain provisions; providing a penalty for violation of the Act; imposing a fine and jail sentence for driving while suspended; repealing all laws and parts of laws in conflict herewith, and particularly Article 6687, Revised Civil Statutes, 1925; providing a saving clause; providing for the effective date of this Act, and declaring an emergency."

Read.

On motion of Senator Poage the rule requiring committee reports to



lie over one day was suspended by unanimous consent.

The committee report recommending that the bill be not printed but mimeographed in lieu thereof was adopted by unanimous consent.

Senator Burns was recognized for a privileged motion.

#### House Bill No. 57.

Senator Burns moved that the Senate grant the request of the House for the appointment of a Conference Committee to adjust the differences between the two Houses on H. B. No. 57.

The motion prevailed by viva voce vote.

#### Conference Committee Appointed.

The Chair appointed as conferees on the part of the Senate on H. B. No. 57.

Senators Burns, Poage, Collie Blackert and Regan.

#### Bills and Resolutions Referred.

H. C. R. No. 3 was referred to the Committee on State Affairs.

H. C. R. No. 4 was referred to the Committee on State Affairs.

H. B. No. 68 was referred to the Committee on Highways and Motor Traffic.

H. B. No. 69 was referred to the Committee on Mining, Irrigation and Drainage.

H. B. No. 66 was referred to the Committee on Education.

H. B. No. 67 was referred to the Committee on State Affairs.

H. B. No. 71 was referred to the Committee on Education.

H. B. No. 72 was referred to the Committee on County and County Boundaries.

H. B. No. 46 was referred to the Committee on State Affairs.

#### House Bill No. 46.

#### Advanced Printing.

Senator Rawlings asked that advanced printing be ordered on H. B. No. 46.

#### Senate Resolution No. 13.

Senator Woodruff was recognized to send up the following resolution:

Whereas, The House has passed H. B. No. 46, a bill levying certain

taxes for State revenue purposes, the probable net return from which there is now available no definite information.

Therefore Be It Resolved By the Senate, That the enrolling room employees be hereby instructed to make copies of the bill, and that one copy be transmitted to the State Comptroller of Public Accounts, with the request that he furnish the Senate at the earliest practicable time an estimate of the revenues to be reasonably anticipated to be derived from the levies made in the bill.

#### WOODRUFF.

Senator Woodruff moved to suspend the rule requiring resolutions be referred to a committee.

The motion prevailed unanimously.

S. R. No. 13 was adopted unanimously.

#### Senate Bill No. 15.

Recurring business was S. B. No. 15.

Amend S. B. No. 15, page 18, subsection (d), by adding the following to-wit:

"The funds provided for in this Act shall be deposited in the general fund of the county."

#### BURNS.

Read and pending.

#### Motion to Table.

Senator Poage moved to table the amendment by Senator Burns.

The motion to table prevailed by the following vote:

#### Yeas—18.

Beck.	Poage.
Blackert.	Rawlings.
Davis.	Redditt.
DeBerry.	Regan.
Holbrook.	Sanderford.
Hornsby.	Stone.
Isbell.	Van Zandt.
Nelson.	Westerfeld.
Oneal.	Woodruff.

#### Nays—9.

Burns.	Martin.
Collie.	Moore.
Cotten.	Pace.
Hill.	Sulak.
Hopkins.	

**Absent—Excused.**

Fellbaum. Shivers.  
Neal. Small.

Amend S. B. No. 15, page 18, sub-Section D, by adding the following: "ten cents of the twenty-five cents shall be placed in the State funds for Old Age Pension Assistance."

COTTEN,  
PACE.

Read.

**Point of Order.**

Senator Van Zandt raised the point of order, that the amendment was out of order because the allocation of funds to the Old Age Pension Fund would make the bill a revenue raising measure.

The Chair sustained the point of order.

Amend S. B. No. 15 by adding between the words "through" and "its" in line 26, page 3, the following: "the tax assessors-collectors of the several counties as"

WOODRUFF.

Read and pending.

**Motion to Table.**

Senator Poage moved to table the amendment by Senator Woodruff.

**Previous Question.**

Senator Sanderford moved that the Senate order the previous question on the pending amendment and the engrossment of S. B. No. 15.

The motion was seconded.

The motion prevailed by viva voce vote.

The motion to table the amendment by Senator Woodruff prevailed by the following vote:

**Yeas—21.**

Collie. Pace.  
Davis. Poage.  
DeBerry. Rawlings.  
Hill. Redditt.  
Holbrook. Regan.  
Hornsby. Sanderford.  
Isbell. Shivers.  
Martin. Stone.  
Nelson. Van Zandt.  
Oneal. Westerfeld.

**Nays—5.**

Beck. Moore.  
Burns. Sulak.  
Cotten. Woodruff.

**Absent.**

Blackert. Hopkins.

**Absent—Excused.**

Fellbaum. Small.  
Neal.

The bill was read second time and passed to engrossment.

On motion of Senator Poage the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 15 was put on its third reading and final passage by the following vote:

**Yeas—28.**

Beck. Nelson.  
Blackert. Oneal.  
Burns. Pace.  
Collie. Poage.  
Cotten. Rawlings.  
Davis. Redditt.  
DeBerry. Regan.  
Hill. Sanderford.  
Holbrook. Shivers.  
Hopkins. Stone.  
Hornsby. Sulak.  
Isbell. Van Zandt.  
Martin. Westerfeld.  
Moore. Woodruff.

**Absent—Excused.**

Fellbaum. Small.  
Neal.

Read third time and finally passed by the following vote:

**Yeas—23.**

Beck. Nelson.  
Blackert. Oneal.  
Collie. Pace.  
Davis. Poage.  
DeBerry. Rawlings.  
Hill. Regan.  
Holbrook. Sanderford.  
Hopkins. Shivers.  
Hornsby. Stone.  
Isbell. Van Zandt.  
Martin. Westerfeld.  
Moore.

**Nays—5.**

Burns. Sulak.  
Cotten. Woodruff.  
Redditt.

Absent—Excused.

Fellbaum. Small.  
Neal.

### H. C. R. No. 10.

The Chair laid before the Senate on its first reading H. C. R. No. 10.

Senator Moore asked unanimous consent to suspend the rule requiring resolutions be referred to a committee, as to H. C. R. No. 10.

Senators Hill, Davis and Oneal objected.

Senator Moore moved to suspend the rule requiring resolutions be referred to a committee.

The motion to suspend the rule lost by the following vote:

### Yeas—12.

Burns.	Rawlings.
Cotten.	Redditt.
Holbrook.	Regan.
Hopkins.	Sanderford.
Moore.	Shivers.
Pace.	Woodruff.

### Nays—15.

Beck.	Martin.
Blackert.	Nelson.
Collie.	Oneal.
Davis.	Poage.
DeBerry.	Sulak.
Hill.	Van Zandt.
Hornsby.	Westerfeld.
Isbell.	

Absent—Excused.

Fellbaum. Small.  
Neal. Stone.

H. C. R. No. 10 was referred to the Committee on Criminal Jurisprudence

### Bills Signed.

The Chair, President Pro Tem. W. R. Poage, gave notice of signing, and did sign, in the presence of the Senate, after its caption had been read, the following bill:

H. B. No. 53.

### S. C. R. No. 7.

Senator Davis received unanimous consent to send up the following resolution:

Whereas, November 4, 1935, has been designated as "Will Rogers' Day"; and

Whereas, Will Rogers was and is enshrined in the hearts of the people

of the nation, regardless of their station in life, as no other private citizen has ever been; now, therefore be it

Resolved By the Senate of Texas, the House of Representatives concurring, That a joint session of fifteen minutes be held in the House of Representatives at 11:45 a. m., November 4th for the purpose of paying our tribute of love and respect to the deathless memory of this man who loved all mankind; and be it further

Resolved That a committee of five from the Senate be appointed by the Lieutenant Governor and five from the House of Representatives be appointed by the Speaker, to make all necessary arrangements for the joint meeting.

DAVIS,  
RAWLINGS.

Senator Davis moved to suspend the rule requiring resolutions be referred to a committee, as to S. C. R. No. 7.

The motion prevailed.

S. C. R. No. 7 was adopted unanimously.

### Committee Appointed.

The Chair appointed the following committee in accordance with S. C. R. No. 7:

Senators Davis, Holbrook, Cotten, Collie and Rawlings.

### Motion to Adjourn.

Senator Sanderford at 12:07 o'clock p. m. moved that the Senate adjourn until 10 o'clock a. m. Monday.

The motion prevailed by viva voce vote.

### Vote Recorded.

Senators Oneal, DeBerry and Poage asked to be recorded as voting "no" on motion to adjourn.

### APPENDIX.

#### Committee on Engrossed Bills.

Committee Room,  
Austin, Texas, Nov. 1, 1935.  
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No.

10 carefully examined and compared and find same correctly engrossed.  
DAVIS, Chairman.

Committee Room,  
Austin, Texas, Oct. 31, 1935.  
Hon. Walter F. Woodul, President  
of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. C. R. No. 6 carefully examined and compared and find same correctly engrossed.

DAVIS, Chairman.

#### Committee Reports.

Committee Room,  
Austin, Texas, Oct. 31, 1935.  
Hon. Walter F. Woodul, President  
of the Senate.

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred

S. B. No. 15, A bill to be entitled "An Act defining certain terms; providing for licensing of operators and chauffeurs; providing for certain exemptions; prohibiting issuance of licenses to certain persons; providing for instruction permits; making provision for non-resident drivers; etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed, but be mimeographed in lieu thereof.

HOPKINS, Chairman.

#### NINTH DAY.

Senate Chamber,  
Austin, Texas,  
November 4, 1935.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Walter F. Woodul.

The roll call disclosed a quorum, the following Senators being present:

Beck.	Isbell.
Blackert.	Martin.
Burns.	Moore.
Collie.	Neal.
Cotten.	Nelson.
DeBerry.	Oneal.
Hill.	Pace.
Holbrook.	Poage.
Hopkins.	Rawlings.
Hornsby.	Redditt.

Regan.	Sulak.
Sanderford.	Van Zandt.
Shivers.	Westerfeld.
Stone.	Woodruff.

Absent—Excused.

Davis.	Small.
Fellbaum.	

Prayer by the Chaplain.

Further reading of the Journal was dispensed with on motion of Senator Hill.

#### Senators Excused.

Senators Small and Davis were excused on account of important business on motion of Senator Rawlings.

#### Committee Reports.

(See Appendix.)

Senator Burns received unanimous consent to have printed in the Journal some statistics in regard to the Texas Prison System.

Senator Oneal sent up a letter which was read by the Secretary.

#### Bills and Resolutions.

##### Senate Bill No. 13.

Senator DeBerry moved that the minority report on S. B. No. 13 be printed and spread the motion on the Journal.

Senator Cotten received unanimous consent to sign the minority report on S. B. No. 13.

##### S. C. R. No. 8.

Senator Burns sent up the following resolution:

Whereas, As shown on page 484 of the printed General Laws of the Third Called Session of the Forty-first Legislature and also on page 637 of the printed General Laws of the Regular Session of the Forty-second Legislature there were appropriated as the State's part of the salary for the Agent and Farm Supervisor of the Alabama and Coushatti Indian Reservation, the sum of \$1500 per year, and in each of said appropriations it was further provided that, "One-half salary to be paid by Federal Government"; and

Whereas, Until recently the Fed-